

Minutes  
Air Pollution Control Board  
Indiana Government Center South  
Conference Room B  
402 West Washington Street  
Indianapolis, Indiana

May 7, 2008  
1:00 p.m.

1. Dr. James Miner, Chairman, called the meeting to order.  
He noted that a quorum was present.

**CALL TO ORDER  
QUORUM**

2. Chairman Miner introduced the board members.

**INTRODUCTION OF  
MEMBERS**

Present: Dr. James Miner, Chairman  
Mr. Kurt Anderson  
Mr. Thomas Anderson  
Mr. John Bacone, Proxy, Department of Natural Resources  
Mr. David Benshoof  
Mr. Howard Cundiff, Proxy, State Board of Health  
Ms. Pamela Fisher, Proxy, Indiana Economic Development Corporation  
Mr. Jeffrey Quyle  
Mr. Randy Staley  
Dr. Phil Stevens

Also present were Mr. Thomas Easterly, Commissioner and Ms. Patricia Troth, Rules Section Chief. Others present are recorded on a separate sheet and made a part of this record. A court reporter was present and a transcript is available for review.

3. Mr. Thomas Easterly, reported that the U.S.EPA had published its  
final approval of the amendments to the particulate rules at 326  
IAC 6.5 and 326 IAC 6.8. Mr. Easterly stated that IDEM had  
issued a final permit for the BP construction air permit. Mr. Easterly stated that U.S. EPA  
had proposed a new lead rule. He also reported on the new ozone standard.

**REPORTS**

Ms. Troth reported on current and pending rulemakings.

4. Chairman Miner introduced the March 5, 2008, Air Pollution  
Control Board minutes.

**MINUTES**

Mr. T. Anderson moved to adopt the March 5, 2008, Air Pollution Control Board's minutes. Mr. Quyle seconded. The motion passed unanimously.

5. Chairman Miner introduced Exhibit 1-A, the proposed rule as preliminarily adopted with IDEM's suggested changes incorporated, and Exhibit 1-B, the proposed rule as preliminarily adopted, into the record of the hearing.

Ms. Susan Bem, Rulewriter, stated that one change had occurred since preliminary adoption. In 326 IAC 6-7-1, emission limits for particulate matter, the proposed language was corrected to remove the requirement for Unit 3 to operate an electrostatic precipitator. Ms. Bem stated that the ESP in Unit 3 was demolished during construction of the required baghouse, and the language had been corrected to reflect this change. Ms. Bem asked the board to final adopt the rule as presented.

Mr. Staley moved to preliminarily adopt amendments to rule 326 IAC 7-4-10 and new rules 326 IAC 6-7-1 and 326 IAC 10-6-1. Mr. Benshoof seconded. The motion passed unanimously.

Mr. K. Anderson moved to final adopt rule 326 IAC 7-4-10 and new rules 326 IAC 6-7-1 and 326 IAC 10-6-1, as amended. Dr. Stevens seconded. The motion passed 10-0.

6. Chairman Miner introduced Exhibit 1, the draft rule into the record of the hearing.

Ms. Susan Bem, Rulewriter, stated that this rule amends the Clean Air Interstate Rule, or CAIR rule, to be consistent with amendments to the federal CAIR model rules at 40 CFR Part 96 and as requested by U.S. EPA to obtain full State Implementation Plan, or SIP, approval. Ms. Bem stated these changes were administrative and very minor. During U.S. EPA's review of the CAIR SIP submittal, EPA identified issues that needed to be addressed by an amendment to the Indiana CAIR rule at 326 IAC 24.

Ms. Bem asked the board to preliminarily adopt the amendments to the rule.

Mr. K. Anderson moved to preliminarily adopt amendments to rule 326 IAC 24. Dr. Stevens seconded. The motion passed unanimously.

**PUBLIC HEARING  
PRIOR TO FINAL  
ADOPTION OF  
AMENDMENTS TO  
326 IAC 7-4-10,  
Warrick County Sulfur  
Dioxide Emission  
Limitations, and New  
Rules 326 IAC 6-7-1,  
Particulate Matter  
Emission Limitations  
for Southern Indiana  
Gas and Electric  
Company, and 326 IAC  
10-6-1, Nitrogen Oxides  
Emission Limitations  
for Southern Gas and  
Electric Company.  
F.B. Culley Generating  
Stations, Newburgh,  
Indiana (SIGECO).**

**LSA #07-309.**

**PUBLIC HEARING  
PRIOR TO  
PRELIMINARY  
ADOPTION OF  
AMENDMENTS TO  
RULE 326 IAC 24.  
Clean Air Interstate  
Rules (CAIR)  
Amendments.**

**LSA #08-5.**

7. Mr. David McIver, IDEM's Office of Enforcement, stated that a Supplemental Environmental Project (SEP) is an environmentally beneficial project that a respondent agrees to undertake as part of a settlement of an enforcement action. A SEP must improve, protect, or reduce risk to public health or the environment. Respondents like SEPs because they can be used to offset part or all of the gravity based portion of a civil penalty. IDEM likes SEPs because they provide opportunities to improve the environment beyond the requirements specified by law. Mr. McIver stated that the proposed SEP policy would become final on June 20, 2008, which is 30 days after the last presentation to a required board. The current SEP policy, which was effective April 5, 1999, will remain posted on IDEM's web site until a new policy becomes effective. Under the new policy pollution prevention SEPs may be afforded the opportunity to offset 100% of the gravity based penalty. Certain other SEPs may be afforded a one-to-one offset ratio instead of the normal two or more offset ratio. Mr. McIver stated that a SEP library is now available on IDEM's website with information and a guideline that explains the requirements or information that should be included in the SEP proposal for proper evaluation.
- PRESENTATION  
Supplemental  
Environmental Project  
Policy.**
- Enforcement 08-003.**
8. Chairman Miner announced that the next meeting was tentatively scheduled for Wednesday, July 2, 2008, at 1:00 p.m, Indiana Government Center South, 402 West Washington, Indianapolis, Indiana in Conference Room A.
- NEXT MEETING**
9. Mr. Benshoof moved to adjourn the meeting. Mr. T. Anderson seconded. The vote was unanimous. Chairman Miner adjourned the meeting at 1:50 p.m.
- ADJOURNMENT**

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James Miner, Chairman

*These minutes were taken from the May 7, 2008, transcript, and were written on July 8, 2008 by Karol T. Chuma, Office of Air Quality.*